UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

KAREL SPIKES, Plaintiff, v. LA MESA AUTO CARE, INC.; JACOBSZOON REVOCABLE FAMILY TRUST dated 4/17/98; CULVER FAMILY REVOCABLE TRUST; JAREL G. CULVER TRUST; and DOES 1 through 10, inclusive, Defendants.	Civil No. 08cv0452-JAH (CAB) **NOTICE AND ORDER FOR *TELEPHONIC* EARLY NEUTRAL EVALUATION CONFERENCE**

IT IS HEREBY ORDERED that an Early Neutral Evaluation of your case will be held on **June 4, 2008**, at **9:30 a.m.** before United States Magistrate Judge Cathy Ann Bencivengo. The conference shall be telephonic, with attorneys only. Plaintiff's counsel shall coordinate and initiate the conference call. If counsel believe an in-person conference is necessary, counsel shall jointly contact chambers and make a request, at least seven days in advance of the conference date.

At the conference, counsel shall be prepared to discuss the claims, defenses and damages. All conference discussions will be informal, off the record, privileged and confidential.

Based upon the Court's familiarity with these matters and in the interest of promoting the just, efficient and economical determination of this action, **IT IS HEREBY ORDERED**:

1. All formal discovery shall be stayed in this case until the completion of the Early Neutral Evaluation Conference set herein;

2. Twenty-one (21) days prior to the Early Neutral Evaluation Conference, Plaintiff's counsel shall lodge with Magistrate Judge Bencivengo's chambers and serve on opposing counsel a statement, not in excess of two pages, including:

(a) An itemized list of the specific issues on the subject premises which are the basis of the claimed violations under the Americans with Disabilities Act;

(b) A statement of the amount and category of damages claimed by Plaintiff in this action;

(c) The amount claimed for attorney's fees and costs; and,

(d) Plaintiff's demand for settlement of the case in its entirety.

3. After service of Plaintiff's statement, or whether or not Plaintiff's statement is served, and at least fourteen (14) days prior to the Early Neutral Evaluation Conference, counsel for the parties **shall meet and confer in person at the subject premises** regarding settlement of (a) alleged premise violations, and (b) damages, costs and attorney fee claims. Plaintiff's counsel shall be responsible to make arrangements for the conference. **The meet and confer obligation cannot be satisfied by telephone or by the exchange of letters.**

4. Seven (7) days prior to the Early Neutral Evaluation Conference, counsel shall lodge with Magistrate Judge Bencivengo's chambers a joint statement advising the Court of the status of settlement negotiations and setting forth all issues in dispute, including property issues, Plaintiff's alleged damages, and the claim for attorney's fees and costs, along with a description of any settlement demands and/or offers exchanged. If for any reason counsel cannot comply with the meet and confer and joint statement requirements set forth in this order, counsel shall contact the chambers of Magistrate Judge Bencivengo at least two court days before the Early Neutral Evaluation Conference, to explain the reasons therefore. Monetary sanctions shall be imposed for failure to comply with this order.

5. The parties may, but are not required to, submit a short Early Neutral Evaluation Conference Statement about the case on a confidential basis.

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In the event the case does not settle at the Early Neutral Evaluation Conference, the parties shall also be prepared to discuss the following matters at the conclusion of the conference.

1. Any anticipated objections under Federal Rule of Civil Procedure 26(a)(1)(E) to the initial disclosure provisions of Federal Rule of Civil Procedure 26(a)(1)(A-D);

2. The scheduling of the Federal Rule of Civil Procedure 26(f) conference;

3. The date of initial disclosure and the date for lodging the discovery plan following the Rule 26(f) conference; and,

4. The scheduling of a Case Management Conference pursuant to Federal Rule of Civil Procedure 16(b).

The Court will issue an appropriate order addressing these issues and setting dates as appropriate.

Questions regarding this case may be directed to Judge Bencivengo's law clerk at (619) 557-7688.

DATED: April 23, 2008

CATHY ANN BENCIVENGO
United States Magistrate Judge